

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,)	
)	
v.)	Case No.1:11CR530
)	
WILLIAM COLE,)	
)	
Defendant.)	Hon. Claude M. Hilton
)	

MOTION IN LIMINE TO EXCLUDE IMPROPER EVIDENCE

COMES NOW, The Defendant, by and through counsel, respectfully moves this Court, pursuant to Rules 104, 401, 402, 403, and 404 of the Federal Rules of Evidence, for an Order in advance of trial prohibiting the Government from introducing evidence, either documentary or testimonial (including expert testimony), questioning any witness, or presenting any arguments to the jury (including in opening or closing statements) regarding: (1) the recovery of blank money orders at a storage facility located in Hyattsville, Maryland; and (2) the recovery of a bullet proof vest at a storage facility located in Hyattsville, Maryland; and (3) Mr. Cole's pending robbery trial in the state of Maryland

1. On June 29, 2011 law enforcement officers executed a search warrant on a storage facility owned by Mr. Cole in Hyattsville, Maryland.
2. Law enforcement officers recovered several items from the storage facility. Among the items recovered was a box of blank money orders and a bullet proof vest.
3. The box of blank money orders and bullet proof vest has no relation to the case currently before this court. The items are not relevant to any issue currently pending

before this Court. Therefore, they have no proper evidentiary value that would permit their admission during Mr. Cole's trial before this Court.

4. Moreover, Mr. Cole is currently pending trial in the state of Maryland regarding allegations that he was involved in a robbery. The Maryland allegations and pending trial have no proper evidentiary value or relevance to the matter pending before this Court.
5. For the reasons described more fully in the attached Memorandum of Law in Support of Motion In Limine to Exclude Evidence, such evidence is inadmissible at trial and the Government should be prohibited from introducing evidence, either documentary or testimonial (including expert testimony), questioning any witness, or presenting any arguments to the jury (including in opening or closing statements) regarding the aforementioned items.

WHEREFORE, these premises considered and such other matters as may become evident during the hearing herein, the Defendant requests this Court to enter an order in advance of trial prohibiting the Government from introducing evidence, either documentary or testimonial (including expert testimony), questioning any witness, or presenting any arguments to the jury (including in opening or closing statements) regarding: (1) the recovery of blank money orders at a storage facility located in Hyattsville, Maryland; and (2) the recovery of a bullet proof vest at a storage facility located in Hyattsville, Maryland; and (3) Mr. Cole's pending robbery trial and allegations in the state of Maryland; and for such other relief the Court deems just.

Respectfully Submitted,

WILLIAM COLE
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2012 I will electronically file the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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